

TREATY OF BUDAPEST
PERTAINING TO THE INTERNATIONAL ACKNOWLEDGMENT OF THE DEPOSIT OF
MICROORGANISMS FOR USE IN PATENT PROCEEDINGS

INTERNATIONAL PRE-PRINTED FORM

Ardeypharm GmbH
Loerfeldstr. 20
58313 Herdecke

FILING RECEIPT UPON INITIAL LODGEMENT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSITORY

I. IDENTIFICATION OF MICROORGANISM

Reference allocated by DEPOSITOR:

RECEIPT NUMBER allocated by INTERNATIONAL
DEPOSITORY

strain NISSLE 1917
SK22/1

DSM 6601

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC SPECIFICATION

Per the microorganism described in I. a.

- (x) scientific description
- (x) proposed taxonomic specification

was filed.
(place cross as applicable).

III. RECEIPT AND ACCEPTANCE

This international Depository accepts the microorganism described in I., which was received on 1991-07-11 (date of initial deposit)¹.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism specified in I was received by this International Depository on 1991-07-11 (date of initial deposit), and a request for conversion of this initial deposit into a deposit pursuant to the Treaty of Budapest received on 1997-05-28 (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY

Name: DSMZ-DEUTSCHE SAMMLUNG
VON MIKROORGANISMEN UND
ZELLKULTUREN GmbH

Signature(s) of the person(s) authorised to
represent the International Depository or
authorised public servant(s):
(signed)

Address: Mascheroder Weg 1b
D-38124 Braunschweig

Date: 1997-05-30

¹ If Rule 6.4 letter d is applicable, this is the point in time at which the status of an international Depository was acquired.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Hacker et al.

Group Art Unit: not known

Application No. 10/525,558

Examiner: not known

Priority claimed from: PCT/EP2004/006886 (filed June 25, 2004) and
German application 103 28 669.1 (filed June 26, 2003)

Filed: February 24 2005

For: Plasmid-Free Clone of E. Coli Strain DSM6601

* * * * *

June 22, 2005

STATEMENT REGARDING
NON-ENGLISH REFERENCES CITED IN PTO-1449 FORM

Hon. Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In conjunction with the Information Disclosure Statement, PTO-1449 Form, and copies of references cited therein, we note that five of the documents cited and supplied are not in English: WO 99/26642, WO 98/44134, Duval-Iflah Y et al., Kruis W. et al., and Instruction pamphlet for Mutaflor. To comply with MPEP 609, for all but the Instruction pamphlet for Mutaflor, we provide and list on the PTO-1449 Form the International Search Report in corresponding PCT international application PCT/EP2004/006886, which cites these references and indicates their relevance to the claims.

Statement Regarding Relevance of Non-English References

June 22, 2005

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For Instruction pamphlet for Mutaflor we also provide and list on the PTO-1449
Form an English translation of the entire document.

REMARKS

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Marlana K. Titus', written in a cursive style.

Marlana K. Titus
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